

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE CHARTER OAK FIRE  
INSURANCE CO.,

Plaintiff,

-v-

ALLIED WORLD NATIONAL  
ASSURANCE CO.,

Defendant.

21-CV-4219 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

The parties in this case have both submitted copies of a 2019 contract between Stickley & Audi Co. and Cooper Works Inc. (*See* ECF Nos. 1-1; 27-1; 29-5). A central issue in the parties' respective motions for summary judgment is the question of whether this contract incorporates by reference Article 11 of AIA Document A201-2007, which is mentioned on its last page. (*See, e.g.*, ECF No. 29-5 at 9, "Article 10: Insurance and Bonds. The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A-201-2007.")

The Court notes that the first page of the 2019 contract, however, states that "All references to AIA document A201-2007 shall mean updated version AIA A201-2017." (*See, e.g.*, ECF No. 29-5 at 2.) Neither party otherwise appears to reference AIA A201-2017 in their respective briefing on summary judgment.

Each party is hereby directed to submit letters of not more than five pages on or before March 10, 2023, addressing *only* this limited issue and advising the Court what, if any, effect the above language regarding AIA A201-2017 has on the arguments made in its respective summary judgment motion.

SO ORDERED.

Dated: March 6, 2023  
New York, New York



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J. PAUL OETKEN  
United States District Judge